

claim 2 to include all of the limitations of base claim 1. Thus, timely allowance of claims 2-4 and 6-9 are respectively requested.

In the Office Action dated July 25, 2002, the Examiner: rejected claims 1 and 10 under 35 U.S.C. § 103(a) as being unpatentable over Masunari et al. (JP 09-240381) in view of McMahan et al. (U.S. Patent No. 5,818,691); and rejected claim 5 under 35 U.S.C. § 103(a) as being unpatentable over Masunari et al. and McMahan et al. as applied to claim 1, and further in view of Sorcher (U.S. Patent No. 4,807,292).

Applicants respectfully request reconsideration and withdrawal of the rejections set forth in the above-identified Office Action.

REJECTIONS UNDER 35 U.S.C. § 103(a)

In the Office Action, claims 1 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Masunari et al. in view of McMahan et al. In addition, claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Masunari et al. and McMahan et al. as applied to claim 1, and further in view of Sorcher. While these rejections are rendered moot by the cancellation of claims 1, 5, and 10, Applicants respectfully further traverse the Examiner's reasons for the rejections.

Each of claims is drawn to a different combination of structural elements that is patentable over the teachings of the cited prior art. In particular, independent claim 11 recites a combination including, among other things, "a first storage space of the audio rack having a first width," and "a second storage space of the audio rack having a second width smaller than the first width."

As will be described, none of the cited prior art references teach or suggest the claimed invention because they do not disclose, among other things, "a first storage

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space of the audio rack having a first width," and "a second storage space of the audio rack having a second width smaller than the first width."

Masunari et al. discloses an AV equipment fitted in an AV equipment attaching hole having a standardized dimension in the instrument console or panel of an automobile. The AV equipment has a dimension m/n, i.e., an integer multiple of 1/integer of the standardized dimension, such that, for any equipment, one unit of the height of an equipment casing is set to ½ of a DIN standard (1DIN - H:50 mm x W:178 mm) and its width is set to a dimension according to the DIN standard. As becomes apparent, Masunari et al. does not disclose, among other things, "a second storage space of the audio rack having a width smaller than the first width" of the first storage space.

While admitting the deficiency of Musunari et al., the Examiner asserts that McMahan et al. discloses the deficiency of Musunari et al. and that "it would have been obvious to a person having ordinary skill in the art at the time [the] invention was made to use the equipment support assembly design of McMahan for the rack of [Musunari et al.], for the purpose of enabling accommodation of various equipment widths and heights."

Applicants respectfully urge that such allegation does not establish a proper *prima facie* case of obviousness under 35 U.S.C. § 103(a). "The examiner bears the initial burden, on review of the prior art or on any other ground, of presenting a prima facie case of unpatentability." *In re Oetiker*, 24 USPQ 2d 1443, 1444 (Fed. Cir. 1992) (Emphasis original). Thus, the Examiner must follow the criteria necessary to establish a *prima facie* case of obviousness. To establish a *prima facie* case of obviousness,

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three basic criteria must be met. First, the prior art references when combined must teach or suggest all the claim elements. Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Finally, there must be a reasonable expectation of success. M.P.E.P. § 2143.

Furthermore, the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in Applicants' disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). Additionally, the evidence of a teaching, suggestion, or motivation to combine must be "clear and particular." *In re Dembiczak*, 175 F.3d 994, 999 (Fed. Cir. 1999). As will be described below, combination of the cited references fails to establish a proper *prima facie* case of obviousness under 35 U.S.C. § 103(a).

McMahan et al. discloses portable computer docking system. The system (10) includes a portable computer (12) and an enclosed docking station structure or expansion chassis (14). Extending along the front side of the docking station (14) is a horizontally elongated rectangular opening (60) which is normally covered by a door plate (62). The portable computer (12) is rearwardly insertable into the docking station (14) through the opening (60). Exposed beneath the door plate (62) are the front ends of a 3.5" floppy disk drive (72) and a 5.25" floppy disk drive (74).

In general, it appears that the Examiner pieced various aspects of the present invention from the prior art teachings together with an improper hindsight to make an obviousness rejection. The Examiner, however, must read Masunari et al. and

McMahan et al. without the hindsight gained from the Applicants' disclosure. When read this way, the alleged combination of Masunari et al. and McMahan et al. teaches away from the claimed invention since there is no teaching or suggestion in these references to modify or combine the teachings to result in the claimed invention.

In particular, Applicants respectfully submit that an audio rack for a vehicle is fundamentally different from a computer system. While a computer system may arguably include various arrangements of docking stations for differently sized components, there is no suggestion or motivation in Masunari et al. or McMahan et al. that a docking stations for a computer system and an audio rack for a vehicle can be interchangeably used or that such arrangements in a computer system can be applied to an audio rack for a vehicle.

In response to Applicants' argument submitted on June 3, 2002, the Examiner contends that "obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art." (emphasis original). However, the Examiner does not provide any factual evidence showing that such teaching, suggestion, or motivation is in the knowledge generally available to one of ordinary skill in the art.

Furthermore, not only McMahan et al. and Masunari et al. cannot be combined for the reasons set forth above, the alleged combination does not show a reasonable expectation of success because it is unclear as to how the computer docking system of McMahan et al. is incorporated in the device of Masunari et al. In addition, the teaching

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or suggestion to make the claimed combination and the reasonable expectation of success is not found in the cited references.

For these reasons set forth above, Applicants respectfully submit that a proper *prima facie* case of obviousness has not been established and respectfully request reconsideration and withdrawal of these rejections.

CONCLUSION

In view of the foregoing remarks, Applicants respectfully request the Examiner's reconsideration of the present application, and the timely allowance of all pending claims.

Attached hereto is a marked-up version of the changes made to claim 2 by this amendment.

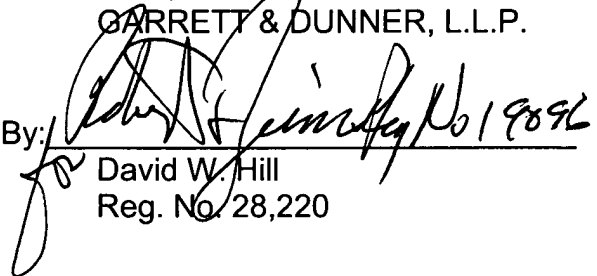
Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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APPENDIX TO AMENDMENT

IN THE CLAIMS:

2. (Twice Amended) An audio rack [according to claim 1] for a vehicle into which a plurality of electrical equipment is removably installable, [further] comprising:

a first storage location for accepting a first electrical equipment having a first width size;

a second storage location for accepting a second electrical equipment having a second width size that is different from the first width size, the second storage location having a width that is smaller than that of the first storage location;

a controller that is disposed in the space at a side of the second storage location within the audio rack that is not occupied by the first and second storage locations; and

a connection unit, which makes an electrical connection between the first electrical equipment in the first storage location and the controller, and an electrical connection between the second electrical equipment in the second storage location and the controller, [wherein]

wherein the controller controls the first and second electrical equipment via the connection unit.

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